

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1 and 23-25 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0147266 A1 to Hwang et al. (“*Hwang*”) and U.S. Application Publication No. 2004/0073928 A1 to Alakoski et al. (“*Alakoski*”); rejected claims 3-6, 9-12, 14-17, 21, and 22 under 35 U.S.C § 103(a) as being unpatentable over *Hwang*, *Alakoski*, and U.S. Patent Application Publication No. 2004/0266440 A1 to Fuchs et al. (“*Fuchs*”); and objected to claims 8, 13, and 20 as depending from a rejected claim but allowable if rewritten in independent form.

Claims 1, 3-6, 8-17, and 20-25 remain pending in this application.

Applicant respectfully traverses the rejection of claims 1 and 23-25 under 35 U.S.C § 103(a). Combinations of *Hwang* and *Alakoski* fail to teach or suggest the subject matter of these claims.

Independent claim 1 recites a method for activating a Multimedia Broadcast/Multicast Service (MBMS) including, among other steps, “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE” and “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS

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<sup>1</sup> The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Bearer Capabilities, or **creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities,**” (emphasis added). Combinations of *Hwang* and *Alakoski* do not teach or suggest at least these features of claim 1.

On pages 6 and 8 of the Office Action, the Examiner alleges that paragraphs [0050], [0051], [0065], and [0069] of *Hwang* disclose the claimed “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE,” as recited in claim 1. This allegation, however, is not correct.

Paragraph [0050] of *Hwang* discloses “Upon receiving the Authentication request message, the SGSN 440 determines whether the UE 410 is qualified for receiving the corresponding MBMS service, depending on the initial UE identify included in the received Authentication request message. For example, the SGSN 440 can **determine whether the UE 410 has subscribed for the MBMS service.**” (Emphasis added).

Paragraph [0051] of *Hwang* discloses “The SGSN 440 transmits an Authentication confirm message to the TRNC 430 along with information indicating whether the UE 410 has qualification for receiving the MBMS service and information on the types of the MBMS services that the UE 410 is currently receiving (Step 417).”

Paragraph [0065] of *Hwang* discloses “Based on the authentication result between the TRNC 430 and the SGSN 440, the TRNC 430 determines whether it can

continuously provide the requested MBMS service to the UE 410 (check the possibility of MBMS requested by UE) (Step 517)."

Paragraph [0069] of *Hwang* discloses "Upon receiving the MBMS service request message, the SGSN 440 detects an MBMS Service ID included in the MBMS service request message, and transmits an MBMS RAB setup request message to the TRNC 430 in order to set up a radio access bearer (RAB) for transmitting MBMS data corresponding to the detected MBMS Service ID (Step 521)."

Neither the above-discussed sections nor any other section of *Hwang* disclose or suggest "**verifying, by the SGSN . . . [,] whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities,**" (emphasis added) as recited in the present claim 1.

As recited in the claim 1, the SGSN performs the verification on the **condition** that the SGSN has the Required MBMS Bearer Capabilities. If the SGSN has the Required MBMS Bearer Capabilities, the SGSN performs the verification by comparing two things: one is MBMS bearer capabilities of the UE, which is from the UE; the other is Required MBMS Bearer Capabilities of the SGSN.

In contrast, *Hwang* does not disclose or suggest, for example, determining whether the UE is qualified for receiving the MBMS service except that the SGSN 440 determines **whether the UE 410 has subscribed for the MBMS service**. At most, *Hwang* discloses that SGSN 440 determines the qualification of UE 410 based on whether UE 410 subscribed for the MBMS according to the initial UE identity

(paragraph [0050]), but not based on the MBMS bearer capabilities of the UE and the Required MBMS Bearer Capabilities of the SGSN.

Further, paragraph [0069] in *Hwang* discloses that the SGSN 440 transmits an MBMS RAB setup request to the TRNC 430 to setup a RAB for transmitting MBMS data corresponding to the MBMS Service ID included in the MBMS service request message. But, SGSN 440 of *Hwang* does not perform any verification on whether MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities of the SGSN, for example. In contrast, SGSN 440 of *Hwang* directly requests TRNC 430 to set up a RAB for transmitting MBMS data according to the MBMS Service ID.

Even if the teachings of paragraphs [0051] and [0065] are considered in combination, TRNC 430 of *Hwang* determines whether it can continuously provide the requested MBMS service to UE 410 according to the indication of whether UE 410 has qualification from the SGSN 440. *Hwang* does not, however, teach or even suggest that the SGSN 440 verifies “**whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities**,” (emphasis added) as recited in claim 1.

Moreover, *Hwang* also does not disclose or suggest “**verifying**, by the SGSN before sending a **Create MBMS Context Request**, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities,” as further recited in claim 1.

As recited in claim 1, verification is performed **before** sending a Create MBMS Context Request by the SGSN.

In paragraph [0069] of *Hwang*, SGSN 440 transmits an MBMS RAB setup request message to the TRNC 430 in order to setup a radio access bearer for transmitting MBMS data. The MBMS RAB setup request message is to setup a RAB. As discussed above, *Hwang* also does not disclose or suggest verifying whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities. Therefore, *Hwang* also cannot disclose or suggest “**verifying, by the SGSN before sending a Create MBMS Context Request**, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities,” (emphasis added) as recited in the present claim 1.

In addition, *Hwang* fails to disclose or suggest “**rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities**,” (emphasis added) as recited in the present claim 1.

In claim 1, **rejecting or creating is performed by the SGSN** after determining whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities, i.e. rejecting is performed on the condition that the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, and creating is performed on the condition that the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities.

As discussed above, *Hwang* does not teach or suggest “**verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN**

has the Required MBMS Bearer Capabilities,” as recited in claim 1. Accordingly, *Hwang* also cannot teach or suggest “**rejecting, by the SGSN**, the request for activating an MBMS Context if the **MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities**, or creating the MBMS UE Context if the **MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities**,” (emphasis added) as recited in claim 1.

On page 7 of the Office Action, the Examiner alleges that paragraphs [0029] and [0032] of *Hwang* discloses “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities,” as recited in claim 1. This allegation, however, is not correct. This is at least because paragraphs [0029] and [0032] of *Hwang* provide brief descriptions of Figures 6, 9A, and 9B, but do not disclose the above-noted features of claim 1.

In paragraph [0066] *Hwang* discloses “when authentication for the UE 410 has failed, the TRNC 430 transmits to the UE 410 an RRC connection reject message including information indicating that the UE 410 is unqualified to receive the MBMS service, notifying that continuous supply of the MBMS service is unavailable.” Thus, paragraph [0066] of *Hwang* discloses that TRNC 430 notifies of an impossibility of a continuous supply of the MBMS currently being received by UE 410. Such a disclosure, however, does not constitute the claimed “rejecting” at least because in *Hwang* the RRC connection reject message is transmitted by the TRNC 430, rather than “by the SGSN.”

Paragraph [0065] of *Hwang* further states that “TRNC 430 determines whether it can continuously provide the requested MBMS service to the UE 410 . . . . The operation performed by the TRNC 430 . . . can be roughly divided into the following 4 operations.” None of the 4 operations disclosed in paragraphs [0066] to [0071] of *Hwang*, however, teach or suggest “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities” or in the alternative “creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities,” as recited in claim 1.

*Alakoski* also fails to overcome any of the above discussed deficiencies of *Hwang*.

Paragraphs [0005] to [0008] of *Alakoski* disclose that the UE send an IGMP Join message to the GGSN to indicate its wish to join to a multicast service. Paragraphs [0027] to [0032] of *Alakoski* disclose that Broadcast/Multicast-Service Center (BM-SC) stores the Quality of Service (QoS) information and authorizes a MBMS bearer based on the stored QoS information. (Paragraph [0028]). Further, in *Alakoski*, Policy Control Function (PCF) provides QoS authorization and access control for an MBMS session based on the QoS information provided by the BM-SC. (Paragraph [0029]).

Such a disclosure, however, does not teach or suggest the above discussed features of claim 1. Even if the teachings of *Hwang* are combined with the teachings of *Alakoski*, such a combination would still not teach, suggest, or render obvious “verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the

SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE" and "rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities" as recited in claim 1.

Therefore, *Hwang* and *Alakoski*, taken alone or in combination, fail to disclose or suggest the subject matter of claim 1.

Independent claim 23, while of different scope than claim 1, distinguishes over *Hwang* and *Alakoski* for at least similar reasons as claim 1.

Claims 24 and 25 depend from claim 23. Accordingly, *Hwang* and *Alakoski* fail to disclose the subject matter of claims 24 and 25.

Applicant respectfully traverses the rejection of claims 3-6, 9-12, 14-17, 21 and 22 under 35 U.S.C § 103(a) as being unpatentable over *Hwang*, *Alakoski*, and *Fuchs*. *Fuchs* fails to cure any of the deficiencies of *Hwang* and *Alakoski*. Specifically, *Fuchs* also fails to teach or suggest a method for activating a Multimedia Broadcast/Multicast Service (MBMS) including, among other steps, "verifying, by the SGSN before sending a Create MBMS Context Request, whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities, wherein the Required MBMS Bearer Capabilities are used to identify the maximum QoS ability of the MBMS service requested by the UE" and "rejecting, by the SGSN, the request for activating an MBMS

Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities," as recited in claim 1, from which claims 3-6, 9-12, 14-17, 21 and 22 depend. Accordingly, *Hwang*, *Alakoski*, and *Fuchs* fail to disclose the subject matter of claims 3-6, 9-12, 14-17, 21 and 22.

Applicant thanks the Examiner for the indication that claims 8, 13, and 20 would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims. Claims 8, 13, and 20 depend from claim 1. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 8, 13, and 20 at least because they depend from claim 1.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 20, 2010